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PATENT
8.22.02

N 09/837,138

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	John H.J. Petrini et al.	Examiner:	Jennifer E. Hunt
Serial No.:	09/837,138	Group Art Unit:	1642
Filed:	April 18, 2001	Docket:	800.019US3
Title:	METHODS TO ALTER LEVELS OF A DNA REPAIR PROTEIN		

**SUPPLEMENTAL PRELIMINARY AMENDMENT AND
RESPONSE TO RESTRICTION REQUIREMENT**

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AUG 09 2002

Commissioner for Patents
Washington, D.C. 20231

TECH CENTER 1600/2900

Sir:

In response to the Restriction Requirement mailed July 2, 2002, please amend the above-identified application as follows:

In the Claims

Please substitute the claim set in the appendix entitled "Clean Version of Pending Claims" for the previously pending claim set. Specific amendments to individual claims are detailed in the following marked-up set of claims.

Please add the following claims:

- Sub B, C1*
- | | |
|-----|--|
| 26. | (New) A transformed host cell prepared by the method of claim 5 or 6. |
| 27. | (New) The transformed host cell of claim 26 which is a mammalian cell. |

Remarks

Claims 26-27 are added. Claims 5, 6, 16-18 and 20-27 are pending. Support for new claims 26-27 is found in originally-filed claims 5 and 6 and at page 24, lines 21-22 of the specification.

In response to the Restriction Requirement mailed July 2, 2002, Applicant provisionally elects, with traverse, the claims of Group I (claims 5 and 20-22, in part), directed to a method of altering the amount of a DNA repair polypeptide (p95) in a cell, in which an isolated nucleic acid molecule encoding p95 or a biologically active fragment thereof, is introduced into a host cell and expressed in the transformed host cell in an amount which is different than the amount of p95



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1642

Applicant: John H.J. Petrini et al.

Title: METHODS TO ALTER LEVELS OF A DNA REPAIR PROTEIN (as amended)

Docket No.: 800.019US3

Filed: April 18, 2001

Examiner: Jennifer E. Hunt

Serial No.: 09/837,138

Due Date: August 2, 2002

Group Art Unit: 1642

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Commissioner for Patents
Washington, D.C. 20231

We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ A return postcard.
- ☒ Supplemental Preliminary Amendment and Response to Restriction Requirement (3 Pages).
- ☒ Clean Version of Pending Claims (3 pgs.).

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If an additional fee is required due to changes to the claims, the fee has been calculated as follows:

CLAIMS AS AMENDED						
	(1) Claims Remaining After Amendment		(2) Highest Number Previously Paid For	(3) Present Extra	Rate	Fee
TOTAL CLAIMS	18	-	20		x 9 =	\$0.00
INDEPENDENT CLAIMS	4	-	4		x 42 =	\$0.00
[] MULTIPLE DEPENDENT CLAIMS PRESENTED						\$0.00
TOTAL						\$0.00

Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional required fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)

By:
Atty: Janet E. Embretson
Reg. No. 39,665

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on this 15 day of August, 2002.

Name

Signature

Customer Number 21186

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)

(GENERAL)